

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 12-67630

LuVETTE S. TELLIS,

Chapter 13

Debtor.

Judge Thomas J. Tucker

**ORDER DENYING DEBTOR'S MOTION TO REINSTATE AUTOMATIC STAY
AND FOR RETURN OF VEHICLE**

This case is before the Court on Debtor's motion entitled "Corrected Motion to Reinstate Automatic Stay and Return of Vehicle," filed on March 19, 2015 (Docket # 53, the "Motion"), which this Court construes as a motion for reconsideration of, and for relief from, the Court's March 3, 2015 Order entitled "Order Granting Motion for Relief from the Automatic Stay on Behalf of Credit Acceptance Corporation and Waiving Fed.R.Bankr.P. 4001[(a)](3)" (Docket # 49, the "Stay-Relief Order"). The Stay-Relief Order granted creditor Credit Acceptance Corporation's motion for relief from the automatic stay (Docket # 45, the "Stay-Relief Motion"), regarding a 2004 Chevrolet Trailblazer (the "Trailblazer").

In the Motion, Debtor alleges, in relevant part, that "[Credit Acceptance Corporation] served the [Stay-Relief Motion] on Debtor's old address and she did not learn about the stay lift until the Trailblazer was repossessed on Sunday March 15, 2015." (Mot. at ¶ 3.)

The Court has reviewed and considered the Motion, and finds that the Motion fails to demonstrate a palpable defect by which the Court and the parties have been misled, and that a different disposition of the case must result from a correction thereof. *See* Local Rule 9024-1(a)(3).

In addition, the Court notes the following. First, the allegations in the Motion do not establish excusable neglect under Fed.R.Civ.P. 60(b)(1), Fed.R.Bankr.P. 9024, or any other valid ground for relief from the Stay-Relief Order.

Second, the Court notes that while the Motion alleges that the creditor served the Stay-Relief Motion and related notice on the Debtor at Debtor's "old address," the certificate of service attached to the Stay-Relief Motion certifies that the Debtor was served at her address of record in this case (337 Tromley, Inkster, MI 48141). The Debtor has never filed a notice of any change in her address. In addition, the Debtor's attorney received, by email from the Court's ECF system on the day the Stay-Relief Motion was filed, an electronic notice of the filing of that motion and related papers. In light of these facts, the Court concludes that the Debtor had ample notice of the Stay-Relief Motion, and that the Motion does not allege any valid excuse for

Debtor's failure to timely file an answer to the Stay-Relief Motion.¹

Accordingly,

IT IS ORDERED that the Motion (Docket # 53) is denied.

Signed on March 19, 2015

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge

¹ Debtor's response was due to be filed no later than February 27, 2015. Debtor did not file any response to the Stay-Relief Motion, and Credit Acceptance Corporation filed its certificate of no response on March 3, 2015. The Stay-Relief Order was entered the same day.